

Frequently Asked Questions During COVID-19 Pandemic:
Unlawful Detainer Cases Procedures During Emergency Conditions

The San Diego Superior Court was closed to the public for non-emergency services from March 17 - May 22, 2020. The Court has resumed most services as of May 26, 2020, though in-person services will continue to be limited in light of the COVID-19 pandemic.

Pursuant to the [General Order of the Presiding Department No. 051220-51\(A\)](#), with the exception of those time-sensitive and essential matters referenced above, all hearings on calendar in an unlawful detainer action that were scheduled to be heard on or after March 17, 2020, have been vacated and will be re-calendared to a future date. The Court will send notices of the new hearing dates and times via U.S. mail to parties who have formally appeared in the case. As additional information becomes available, it will be posted to the Court's website.

Q: I had a hearing scheduled between March 17, 2020 and May 22, 2020. When will my case be re-scheduled?

A: With the exception of certain time-sensitive and essential matters, all hearing dates in unlawful detainer cases have been vacated and will be re-scheduled by the Court. You will receive a notice from the Court with the date and time of your re-scheduled hearing, along with information regarding how to appear at the hearing.

Q: I have a hearing scheduled on or after May 26, 2020. Will this hearing still go forward?

A: No. With the exception of certain time-sensitive and essential matters, all hearing dates in unlawful detainer cases have been vacated and will be re-scheduled by the Court. You will receive a notice from the Court with the date and time of your re-scheduled hearing, along with information regarding how to appear at the hearing.

Q: What should I do if I am served with a summons and unlawful detainer complaint?

A: Most, but not all, unlawful detainer cases are currently suspended, or paused.

Judicial Council Emergency Rule No. 1:

As a result of Emergency Rule 1 enacted by the Judicial Council on April 6, 2020, **unless an action is necessary to protect public health and safety:**

- The court may not issue a summons on a complaint for unlawful detainer.
- The court may not enter a default or default judgment for failure of a defendant to appear.
- If a defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made.
- Any trial date set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial.

This rule remains in effect until 90 days after the Governor declares the COVID-19 state of emergency is lifted or the rules are repealed by the Judicial Council. A complete copy of the Emergency Rules is available [here](#).

Governor Newsom's Executive Order N-37-20:

On March 27, 2020, Governor Newsome issued Executive Order N-37-20, which bans the enforcement of eviction orders for renters affected by COVID-19 as follows:

- The deadline in CCP §1167 is extended for a period of 60 days for any tenant served, while the Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent if:

- Prior to this Order, the tenant paid rent to the landlord pursuant to an agreement;
- The tenant notifies the landlord in writing before the rent is due, or up to 7 days after, that the tenant needs to delay some or all of the rent payment due to COVID-19 (including illness or caretaking; layoff, loss of hours, or other income reduction due to COVID-19 or governmental response; or child care due to COVID-19-related closures); and
- The tenant retains verifiable documentation supporting the inability to pay, which must be provided to the landlord no later than the time of payment of back-due rent.
- No writ may be enforced while the Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment if the tenant satisfies the above conditions.
- The Order will remain in effect through May 31, 2020.

A copy of Executive Order N-37-20 is available [here](#).

Federal CARES Act Eviction Moratorium:

On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act provides for a 120-day federal eviction moratorium for tenants living in certain types of housing, such as public housing under 42 U.S.C § 1437d and Section 8 housing under 42 U.S.C. § 1437f. (See CARES Act at § 4024.) The Act restricts landlords of "covered properties" from filing new eviction actions for non-payment of rent for 120-days starting March 27, 2020.

The full text of the CARES Act is available [here](#).

In addition, there may be other orders issued by federal, state, and local jurisdictions that may affect an eviction.

Q: Are all unlawful detainer (eviction) cases stopped as a result of the governor's order?

A: No, only some cases may be paused or suspended. Emergency Rule 1 enacted by the Judicial Council on April 6, 2020, does not suspend actions that are necessary to protect public health and safety.

Q: The City of San Diego enacted an emergency moratorium on evictions, what does this mean?

A: Due to the COVID-19 emergency, government directives and orders are rapidly changing. For the most current information regarding the moratorium on evictions enacted by the City of San Diego, please consult the City of San Diego Coronavirus Information webpage at sandiego.gov/coronavirus

In addition to the City of San Diego, other cities within the County of San Diego have passed their own eviction protection ordinances. The links to certain cities that have passed their own local ordinances regarding evictions are set forth below. Please be advised that all cities that have passed eviction ordinances may not be included below. Please check your city government webpages for the most recent information.

City of Carlsbad: <https://cityadmin.carlsbadca.gov/services/depts/fire/emergency/tenants.asp>

City of Chula Vista: <https://www.chulavistaca.gov/departments/development-services/housing>

City of Encinitas: <https://coronavirus.encinitasca.gov/Businesses>

City of Escondido: <https://www.escondido.org/covid-19.aspx>

City of Imperial Beach: <https://www.imperialbeachca.gov/covid19>

City of National City: <https://www.nationalcityca.gov/government/fire/covid-19>

City of Oceanside: <https://www.ci.oceanside.ca.us/gov/fire/resources/coronavirus.asp>

City of Poway: <https://poway.org/1030/Coronavirus-COVID-19-Updates>

City of San Marcos: <https://www.san-marcos.net/live/emergency-preparedness/covid-19-response>

City of Santee: <https://www.cityofsanteeca.gov/our-city/public-notice>

Q: The County of San Diego enacted an emergency moratorium on evictions, what does this mean?

A: For the most current information regarding directives from the County of San Diego, please visit: <http://www.coronavirus-sd.com/>

Q: If an eviction is paused by these temporary measures, does that mean the tenant does not have to pay any rent for the period that the eviction is suspended?

A: No. Nothing in the Governor's Executive Order, Emergency Rules, or the City and County Emergency Moratoriums on Evictions relieve a tenant from the obligation to pay rent. In addition, the orders do not restrict a landlord's ability to recover rent due.

Q: If the Court has already issued an order evicting a tenant (writ of possession), can an order for stay of eviction be obtained?

A: To reserve an ex parte date, you must call The Civil Business Office at 619-450- 7275 and provide the following information:

- Case Number
- Case Name
- Name of party or counsel seeking ex parte and the party counsel is representing, if applicable
- Name of opposing party
- Address of the premises
- Reason for ex parte. Please be specific.

Once you receive confirmation from the Court that your ex parte date has been scheduled, you will be required to submit your Ex Parte Application (*signed under penalty of perjury*); Declaration (*signed under penalty of perjury*); Proposed Order; Proof of Service; and fee. *Optional* forms are available for use on the Court's website ([ADM-252](#), [MC-030](#)). You may elect to submit your documents by eFile or in-person delivery to the Civil Business Office where your ex parte will be heard no later than 10:30 a.m. on the day before your ex parte hearing.

The fee for an ex parte application is \$60.00; however, if the applicant has not paid their first appearance fee, one would be due. Fees are due at the time of filing. If you cannot afford the applicable filing fee, you may apply for a waiver of court fees and costs ([FW-001 INFO](#), [FW-001](#), [FW-003](#)). To submit a filing fee via email, you must complete a credit card payment form ([ADM-253](#)).

Notice to the opposing party is required. Please refer to CRC 3.1203. The notice must contain information as outlined in CRC 3.1204.

All ex parte hearings will be held remotely/telephonically using CourtCall. Once you have received confirmation from the court that your ex parte date has been scheduled, you may contact CourtCall to make arrangements. Please visit the CourtCall website at <https://courtcall.com> for more information.

Q: How can I file papers with the Court?

A: Effective May 26, 2020, access filings will be accepted via eFile, U.S. mail, or by in-person drop-off at the [Hall of Justice](#) (330 W. Broadway, San Diego, CA 92101).

Q: Where can I obtain help with my unlawful detainer forms?

A: Operated by [Legal Aid Society of San Diego](#), this clinic offers assistance to self-represented litigants to explain procedures and to help them prepare forms: 877-534-2524

Operated by [San Diego Volunteer Lawyers Program](#), this clinic offers assistance to self-represented litigants to explain procedures and to help them prepare forms. Information is listed below:

English	Español
Landlord-Tenant Issues 619-235-5656 Ext. 127	Casos de Desalojo (Arrendatarios e Inquilinos) 619-235-5656 Ext. 127

For the name of an attorney who can provide you with legal advice regarding your case, the following Lawyer Referral and Information Service provides referral assistance at no charge:

- [San Diego County Bar Lawyer Referral Service](#): 800-464-1529

Please refer to the Court's website (www.sdcourt.ca.gov) for up-to-date information.